IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

APPEAL FROM ORDER NO.1018 OF 2005
WITH
CIVIL APPLICATION NO.1215 OF 2005

Sadashiv Sitaram Gaikwad ..Appellant.
Vs.
The Chief Officer,
Vita Municipal Council, Vita & Ors. ..
Respondents.

...

Mr. R.V. More for the Appellant.
Ms. Ratna Jaiswal h/f Mr. Nandu Pawar for Respondent No.1.
Mr. A.M. Kulkarni for Respondent No.2.

....

CORAM : DR.D.Y.CHANDRACHUD, J.

22nd November, 2005.

P.C. :

Regular Civil Suit 348 of 1999 came to be instituted before the Civil Judge, Junior Division, Vita in order to challenge a notice issued by the municipal council on 27th August, 1999. The case of the Appellant is that the shop which forms the subject matter of the suit is in existence since 1968 and that rent receipts were issued in the name of his elder brother. During the pendency of the proceedings before the Trial Court, there was an order of injunction that continued in force. The appeal is pending before the Additional District Judge, Sangli. Having regard to the facts and

circumstances of the case, it would be in the interests of justice if the hearing of the appeal is expedited and that the appeal is directed to be heard and disposed of within a period of four months from the date on which a certified copy of this order is placed before the Appellate Court. In the meantime, having regard to the fact that an injunction has operated during the pendency of the suit, it would be in the interests of justice if the aforesaid order of injunction which held the field is continued. Ordered accordingly. This Appeal is accordingly disposed of by directing the Learned Additional District Judge to dispose of the appeal within a period of four months from the receipt of a certified copy of this order.

In view of the disposal of the Appeal from Order, the Civil Application is rendered infructuous and is accordingly disposed of.